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LEGAL & REGULATORY AFFAIRS

October 11, 1995

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M. Street, N.W., Room 222
Washington, DC 20554

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RE: Reply Comments on Proposed Rulemaking
CC Docket No. 95-116, RM 8525

8535

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Dear Mr. Caton:

So that each Commissioner may receive a personal copy, enclosed for filing are an original and nine (9) copies of ITN REPLY COMMENTS ON THE TRANSITION TO NATIONAL NUMBER PORTABILITY, pursuant to Paragraph 83 of the NPRM in the above-referenced matter.

I have also filed two (2) copies of the enclosed comments with the Policy and Program Planning Division of the Common Carrier Bureau, and one (1) copy with ITS, Inc.

Sincerely,

Sam LaMartina, Esq.
(913) 344-6288

Copy: Mr. Matthew J. Harthun, Esq., Attorney/Advisor
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Common Carrier Bureau
Federal Communications Commission
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INDEPENDENT TELECOMMUNICATIONS NETWORK, INC.

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

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In the Matter of)

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Telephone Number Portability)

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CC Docket No. 95-116,

Rulemaking No. **8525**

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ITN REPLY COMMENTS

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SUMMARY

ITN's comments in this docket propose the optimum short-term solution which also contemplates the option to economically transition to a seamless, inter-operating national TNP system.* The N-1 proponents, on the other hand, comment that the Commission should forego consideration of the "service" and "location" aspects of TNP, characterizing them as unimportant when compared with local service provider portability. While certain providers may see near-term advantages in this view, from the Commission's perspective TNP is "to encompass service provider, service, and location portability because a method for providing location portability likely will also enable customers to change service providers and services without changing their telephone numbers." Even were the marketplace not to evolve to national TNP, the CNA / NNA method will yield greater number conservation in an expanding marketplace, while maintaining efficiency and flexibility both near-term and long-term. Rather than focusing on which provider will perform the dip, ITN focuses on the most efficient call routing. On the other hand, the Commission has taken notice of the routing inefficiencies in N-1 schemes. Thus, the first-switch-that-can approach more effectively promotes resource conservation, network efficiency and competitive neutrality. ITN's solution is based on technology that is here and now and can be implemented in a very short period of time. Nevertheless, ITN's phased implementation option allows the transition to national TNP can occur incrementally, one local area at a time. The Commission should establish its guidelines consistent with ITN's proposal because ITN's proposal is most consistent with the Commissions stated conclusions and goals.

* ITN's proposal for transitioning to national TNP contemplates incorporation of the CNA / NNA concept currently being testing locally in Washington, and soon to be tested in New York.

THE TRANSITION TO NATIONAL TELEPHONE NUMBER PORTABILITY

ITN hereby submits its reply comments In the Matter of Telephone Number Portability, CC Docket 95-116. ITN filed its comments on September 12, 1995, proposing a method for transitioning to national Telephone Number Portability (TNP). ITN's reply compares its approach with the N-1 proposals now before the Commission, and considers the implications for the transition toward one seamless, inter-operable national TNP system.

ITN's approach neither precludes nor guarantees that the N-1 provider will perform the dip. Indeed, in early local TNP implementations, the N-1 provider may own the SSP which can first perform TNP dips. For local calls, the N-1 provider may be the same as the OSP (Originating Service Provider), the IXC, or the TAP (Terminating Access Provider). However, ITN's focus is not which provider will perform the dip. Rather, in proposing a first-switch-that-can approach, ITN seeks to avoid favoring or entrenching certain providers or market segments.¹ At the same time, ITN proposes the optimum short-term solution, consistent with the Commission's conclusions², which contemplates the option to economically transition to a seamless, inter-operating national TNP system.

The N-1 proposals, by definition, contemplate that the N-1 provider will (almost) always perform the dip. ITN's concern with implementations which entrench the N-1 approach is the effect these proposals will have on the transition to national TNP. The N-

¹ See NPRM "In the Matter of Telephone Number Portability" CC Docket 95-116, ¶ 32, with respect to the national policies of nondiscrimination and competitive neutrality.

² See NPRM, ¶ 28, "...to promote a nationwide, uniform development of number portability...", ¶ 30, "A uniform, national method for providing number portability is likely to be less costly and more efficient... ."

1 proponents now before the Commission presume that national TNP is not worth the Commission's concern, and that consumers' ability to port their numbers, even between two NXXs in the same NPA (let alone between NPAs), should not be seriously considered.³

ITN's proposal specifically contemplates the concept of TNP, as expressed by the Commission in the NPRM, "to encompass service provider, service, and location portability because a method for providing location portability likely will also enable customers to change service providers and services without changing their telephone numbers."⁴ The problem with failing to initially contemplate two of the three defined aspects of TNP (i.e. service portability and location portability) is that local TNP implementations may consequently foreclose the feasibility of a seamless transition to national TNP, one which will encourage new entrants as well as incumbents and other current players to vigorously compete with each other.⁵ While each of the three aspects of TNP may be defined separately, it is not at all clear that one will be more important than the others in satisfying consumer demand or for establishing a fair and robust marketplace of competing service providers. Accordingly, these presumptions seem to contradict the Commission's conclusion "that the portability of telephone numbers benefits consumers of telecommunications services and would contribute to the

³ See AT&T Comments at 7-9, and fn. 11 on page 8; see MCI Comments at 18-20, 22-24.

⁴ NPRM at ¶ 35.

⁵ See, for example, Comments of Omnipoint Corporation at 4-5. Omnipoint is the New York MTA Pioneer's Preference PCS license recipient, which intends to compete with both wireline and wireless local exchange providers. Omnipoint infers that all three aspects of portability add value to the telephone number for its prospective customers. The attitudes of new entrants like Omnipoint may suggest changes in current market segmentation are in the offing.

development of competition among alternative providers of local telephone and other telecommunications services.”⁶

One N-1 proponent suggests that the CNA / NNA approach⁷ will strain available numbering resources.⁸ The opposite is true.⁹ The CNA / NNA method is designed specifically to preserve and maximize existing numbering resources.¹⁰ The N-1 proposals now before the Commission actually use more numbers than the CNA / NNA approach, since the N-1 schemes assign NPA-NXX-XXXXs to identify end-user providers’ switches, which numbers cannot be assigned for use by end-user consumers. With N-1, the more providers entering the market, the fewer numbers will be available for consumers. In contrast, the CNA / NNA approach will make additional resources available.¹¹ Thus, even if the telecommunications marketplace does not migrate to national TNP, implementation of the CNA / NNA method will yield greater number

⁶ NPRM at ¶ 7.

⁷ ITN’s proposal for transition to national TNP refers to CNA and NNA, respectively, as the VA--Virtual Address, and the PA--Physical Address. The CNA / NNA method being tested in the Seattle, Washington, area is consistent with Phase II of ITN’s proposal. ITN’s proposal is distinct primarily in its scope, in that it suggests an approach to transition this method from local to national TNP.

⁸ AT&T Comments at 26.

⁹ See Time Warner Comments, Appendix B at 6.

¹⁰ See ITN Comments at 11; and USIN Comments at 7-8 (Interim Status Report of the Seattle Local Area Number Portability Trial).

¹¹ Time Warner Comments, Appendix B at 6, “The [CNA / NNA] solution allows unused numbers to be freed up. In today’s situation, the entire NXX block of numbers is tied up even if only one number is used. With [CNA / NNA], all of the other numbers in the NXX block would be free for assignment. Therefore, [CNA / NNA] actually helps the number exhaust issue.”

conservation in an expanding marketplace, while maintaining flexibility both long-term and near-term.¹²

ITN proposes that the first switch capable of performing the TNP query do so, since this will result in the most efficient routing of the call. Today, when a call is placed, the called number represents the Physical Address of the called customer, and the network routes in the most efficient possible manner from the originating switch. As various parties have commented in this Docket, in a TNP environment, the called number may not represent the Physical Address.¹³ Hence, routing the call based upon the called number could be very inefficient since the called number may have no relationship to the Physical Address of the called party.¹⁴ The first-switch-that-can approach is, from the network efficiency as well as competitive neutrality perspectives, decidedly preferable. With ITN's phased implementation option, no flash-cut¹⁵ is required. Instead, transition can take place incrementally, one local area at a time. "Most importantly, this solution uses technology that is here and now and can be implemented in a very short time frame."¹⁶

¹² Id., "[T]his solution can use AIN or IN triggers, allowing flexibility at the incumbent LEC end office. [T]he LEC or CLEC can offer location portability for the same reasons as the AT&T LRN solution [with] less switch translations than other solutions like the MCI metro CPC solution, since NNAs do not have to be translated to NPAs."

¹³ See ITN Comments at 3, USIN Status Report at 6-8, and AT&T Comments at 17-18.

¹⁴ For example, say a customer moves from New York to Washington, D.C., and ports their number. A caller in D.C. then dials the ported number. As the Commission points out in NPRM ¶ 46, in N-1 schemes, such a call would be unnecessarily routed from the local exchange provider (the OSP) to the IXC.

¹⁵ See NPRM at ¶ 45 on OSP scenarios.

¹⁶ Time Warner Comments, Appendix B at 6.

ITN submitted its proposal in its initial comments to assist the Commission to the extent that the Commission decides to exercise its jurisdiction to ensure a seamless, inter-operable national TNP system. If, instead, the Commission decides that this goal is not appropriate after all, then perhaps the N-1 proposals will suffice. On the other hand, if the Commission indeed chooses to establish national guidelines which contemplate transitioning various local TNP implementations into a seamless, inter-operable national TNP infrastructure, the Commission should develop such guidelines substantially consistent with ITN's proposal.

Respectfully submitted,

Independent Telecommunications Network, Inc.

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Date: October 12, 1995